

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL T. WILSON : CIVIL ACTION  
 : NO. 13-00061  
Plaintiff, :  
 :  
v. :  
 :  
MICHELLE PHERELL, ET AL., :  
 :  
Defendants. :  
 :

**O R D E R**

**AND NOW**, this **18th** day of **March, 2014**, it is hereby **ORDERED**  
that Defendants' Motion for Partial Summary Judgment (ECF No.  
23) is **GRANTED in part and DENIED in part**, as follows:

- 1) Summary judgment on all claims in favor of individual  
defendants Michelle Pherell, John Waterford, and Lateefah  
Oakman and against Plaintiff is **DENIED** due to Defendants'  
failure to prosecute;
- 2) Summary judgment in favor of all Defendants and against  
Plaintiff as to Plaintiff's claim for compensatory damages  
is **GRANTED**.<sup>1</sup>

---

<sup>1</sup> Defendants seek summary judgment in favor of all Defendants and against Plaintiff as to Plaintiff's claim for compensatory damages in the amount of \$175,000. See Mem. L. Support Mot. Summ. J. 4, ECF No. 23; Compl. 5, ECF No. 3. Plaintiff concedes that his § 1983 claim, based on an alleged violation of his First and Fourteenth Amendment rights, is not eligible for compensatory damages in the absence of evidence of physical injury. See Wilson Aff. Opp'n Mot. Summ J. ¶ 12, ECF No. 24. Accordingly, summary judgment will be awarded in favor of

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.

---

all Defendants and against Plaintiff as to Plaintiff's claim for compensatory damages.

Plaintiff contends that he remains eligible for nominal and punitive damages, as well as declaratory relief. See Wilson Aff. ¶¶ 9, 11, 12. The Court's disposition of Plaintiff's claim for compensatory damages has no effect on Plaintiff's other possible forms of relief, which the Court does not presently have cause to consider.